

Application Number 10/828,453
Responsive to Office Action mailed January 6, 2006

REMARKS

This reply is responsive to the Office Action dated January 6, 2006. Prior to this Amendment, claims 1-26 are pending. In this Amendment, Applicant has amended claims 6, 12 and 21. Claims 1-26 remain pending. Applicant thanks the Examiner for a thorough explanation of the basis for her rejection of the claims.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-26 under 35 U.S.C. 102(b) as being anticipated by Wright et al. (US 6,416,857). Applicant respectfully traverses the rejection. Wright et al. (US 6,416,857) fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features. As one example with respect to independent claim 1, as discussed in more detail below, Wright et al. fails to teach or disclose a tamper indicating device comprising a flood coat defining a window, and a mask applied to the tamper indicating device, the mask being in partial or whole registration with the window. Wright et al. thus fails to disclose each and every limitation set forth in claims 1-26. Withdrawal of this rejection is requested.

Rejection of Claims 1-26 under 35 U.S.C. 102(b) in view of Wright et al.

The Examiner rejected claims 1-26 as anticipated by Wright et al. In particular, the Examiner states that Wright et al. discloses a tamper indicating device (column 1, lines 9-10) used in combination with an object having secured information (column 9, lines 7-18) comprising a backing having a first side and a second side (column 3, lines 15-16), wherein the backing comprises a first phase and a second phase (column 3, lines 17-19), wherein the backing has a first level of light diffusion, and when a peeling force is applied to the backing, the backing fractures (column 3, lines 32-38) and has a second level of light diffusion that is a higher level of light diffusion than the first level of light diffusion (column 2, lines 27-31); a flood coat applied to the second side of the backing (column 4, lines 53-56), the flood coat defining a window therein (Figures 1, #30A and 30B), an adhesive layer bonded to the flood coat (column 5, lines 56-58), and a mask applied to the tamper indicating device (column 4, line 66 to column 5, line

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17), the mask being in partial or whole registration with the window in the flood coat (Figure 1, #40).

"Float coat having a window"- Claims 1-5, 16-20, 7, 14 and 22

Independent claims 1 and 16 require a flood coat defining a window. Dependent claims 2-5 and 17-20 depend upon claims 1 and 16, respectively, and thus include the window element as a limitation. Dependent claims 7, 14 and 22 also specifically require a flood coat defining a window. In the Office Action, the Examiner characterized indicia 30A and 30B in Figure 1 of Wright et al. as "windows."

Applicant respectfully disagrees with the Examiner's characterization of elements 30A and 30B in Figure 1 of Wright et al. as windows. In contrast, Wright et al. refers to elements 30A and 30B as "indicia."¹ Wright et al. specifically teaches that indicia are "printed lettering or flood coating" that provide an indication of tampering.² Wright et al. further teaches that "[p]referably, the first indicia 30A and the second indicia 30B are the same color as the flood coating 31B and 31A."³

In contrast, claim 1 specifically requires a flood coat defining a window. To further illustrate this difference, Applicant's specification makes clear that "[a] flood coat 28 preferably defines a window 68 that is an area without color from the flood coat 28."⁴ "As another example, Applicant's specification states that window 68 is an area where flood coat 28 is not applied, or it is an area of other material that is colorless or of a different color than the flood coat area."⁵ Nowhere does Wright et al. teach or suggest that the "indicia" or any element that may be colorless or of a different color than the flood coat area. There is absolutely no teaching within Wright et al. that the "indicia" 30A or 30B represent any form of a window, such as an area that permits viewing of secured information on an object to which the tamper indicating device is secured. To the contrary, Wright et al. describes indicia 30 as having the same color as the flood coating 31. Wright et al. thus fails to teach or suggest the "a float coat having a window," recited in Applicant's claims 1-5, 16-20, 7, 14 and 22. For at least this reason, Wright et al. fails to

¹ Wright et al., U.S. Pat. No. 6,416,857, column 1, line 53.

² Wright et al., U.S. Pat. No. 6,416,857, column 7, lines 51-53.

³ Wright et al., U.S. Pat. No. 6,416,857, column 7, lines 65-67.

⁴ Applicant's Pending U.S. Pat. App. No. 10/828,453, page 13, lines 16-17.

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anticipate those claims under 35 U.S.C. 102(b). Withdrawal of the rejection of claims 1-5, 16-20, 7, 14 and 22 is respectfully requested.

"Mask" – Claims 1-26

Independent claims 1, 6, 12, 16 and 21 require a mask applied to the tamper indicating device. According to claims 1 and 16, the mask is **in partial or whole registration with the window in the flood coat**. According to claims 6, 12 and 21 as presently amended, the mask obscures the secured information on the object. Dependent claims 2-5, 7-11, 13-15 and 17-21 depend upon claims 1, 6, 12, 16 and 21, respectively, and thus include the mask limitation as an element. The Examiner characterized element #40 of Figure 1 of Wright et al. as a mask. Applicant respectfully disagrees with the Examiner's characterization of element #40 of Figure 1 of Wright et al. as a mask.

Wright et al. describes element #40 as an "an optional overlaminant layer."⁶ According to Wright et al., the overlaminant can be used to "protect information printed on the backing 12 and skin layer 14 from alteration or removal."⁷ "Preferred materials for the overlaminant layer include films of polyester, polypropylene, polycarbonate and SURLYN resin..."⁸ Wright et al. thus teaches a protective function for overlaminant 40. Wright et al.'s overlaminant is therefore similar to Applicant's disclosed overlaminant 30 as shown in FIG. 1, and cannot be construed as a mask.

Admittedly, in some embodiments, Wright et al. does teach a masking function associated with flood coating 31 with respect to indicia 30A and 30B. "The indicia 30A and 30B, initially are masked from view because the indicia 30A and 30B have insufficient contrast against the flood coating 31A and 31B."⁹ However, Applicant's claims 1 and 16 requires a mask that is **"in partial or whole registration with the window in the flood coat."** As noted above, Wright et al. provides absolutely no teaching of a window of any kind in the flood coat or tamper indicating device as a whole, and thus, the mask and window registration limitation of claims 1 and 16 cannot be taught by Wright et al. On this point, Figure 1 of Wright et al. clearly shows

⁵ Applicant's Pending U.S. Pat. App. No. 10/828,453, page 13, lines 20-22.

⁶ Wright et al., U.S. Pat. No. 6,416,857, column 4, lines 66-67.

⁷ Wright et al., U.S. Pat. No. 6,416,857, column 5, lines 2-4.

⁸ Wright et al., U.S. Pat. No. 6,416,857, column 5, lines 4-7.

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that indicia 30A and 30B are in the same layer as flood coating 31A and 31B. Because indicia 30A and 30B are in the same plane as the flood coating, indicia 30A and 30B are incapable of being masks in partial or whole registration with the window in the flood coat, as required by claims 1 and 16.

For these additional reasons, Wright et al. thus fails to teach or suggest all of the elements recited in Applicant's claims 1-26, and thus fails to anticipate those claims under 35 U.S.C. 102(b). Withdrawal of the rejection of claims 1-26 is respectfully requested.

"Object having secured information"-- Claims 6-11, 12-15 and 21-26

Claims 6, 12, and 21 have been currently amended to recite a limitation to an "object having secured information." In other words, these claims, as amended, are more clearly directed to an object having secured information, where that object is separate from tamper indicating device. Dependent claims 7-11, 13-15 and 22-26 depend upon claims 1, 6, 12, 16 and 21, respectively, and thus include the "secured information" limitation.

Applicant respectfully submits that Wright et al. fails to teach a tamper indicating device used in combination with a separate object having secured information. As illustrated by FIG. 5, Wright et al. teaches a tamper indicating device, for example, a tape or label "adhered to first and second container parts 55 and 56, such as the lid and side panel of the container. Opening the container requires removal or destruction of the device 10 and thus provides an unambiguous indication of access to the interior of the container.¹⁰ Nowhere does Wright et al. teach or suggest that the secured information is associated with an object separate from the tamper indicating device.

In the interest of advancing prosecution, Applicant respectfully directs the Examiner's attention to FIGs. 5-6 of the present application. FIG. 5 illustrates one embodiment of secured information 60 on an object 32. Tamper indicating device 10 is adhered to the object 32 by adhesive layer 16. Tamper indicating device 10 includes a window 68 in flood coat 28, and a mask 70 which overlays at least a portion of the window 68 and at least partially obscures the secured information 60. As shown in FIG. 6, upon removal of the mask 70 from the object 32,

⁹ Wright et al., U.S. Pat. No. 6,416,857, column 8, lines 4-7.

¹⁰ Wright et al., U.S. Pat. No. 6,416,857, column 9, lines 8-13.

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the secured information 60 becomes discernible, i.e., viewable, through the window. FIGs. 9A-9C illustrate the steps of applying the tamper indicating device 10 to an object 32 and subsequent removal of mask 70 from the object 32 to reveal the secured data 60

Unlike Applicant's claimed invention, in which the secured information on the object is visible upon removal of the mask, even while the tamper indicating device is adhered to an object, the invention taught by Wright et al. reveals the indicia *within the tamper indicating device itself* upon removal of a portion of the tamper indicating device from the object itself. The indicia of Wright et al. are thus associated with the tamper indicating device, and not the underlying object. Wright et al. thus fails to teach or suggest the "an object having secured information" separate from the tamper indicating device, as recited in Applicant's claims 6-11, 12-15 and 21-26, and thus fails to anticipate those claims under 35 U.S.C. 102(b). Withdrawal of the rejection of claims 6-11, 12-15 and 21-26 is respectfully requested.

CONCLUSION

All claims in this application, as currently amended, are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

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